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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **RONALYNN CYNTHIA CRISTIANO**
aka RONALYNN CYNTHIA WENZEL
1029 E. Carson Unit #3
13 Long Beach, CA 90807
Registered Nurse License No. 366561
14 Nurse Midwife Advanced Certification No. 403
Nurse Midwife Furnishing Certification No. 403

15 Respondent.

Case No. 2010-173

A C C U S A T I O N

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about October 31, 1983, the Board of Registered Nursing (Board) issued
24 Registered Nurse License No. 366561 to Ronalynn Cynthia Cristiano aka Ronalynn Cynthia
25 Wenzel (Respondent). The Registered Nurse License was in full force and effect at all times
26 relevant to the charges brought herein and will expire on September 30, 2009, unless renewed.

27 3. On or about October 17, 1983, the Board issued Nurse Midwife Advanced
28 Certification No. 403 to Respondent. The Nurse Midwife Advanced Certification was in full

1 force and effect at all times relevant to the charges brought herein and will expire on September
2 30, 2009, unless renewed.

3 4. On or about October 1, 1993, the Board of Registered Nursing issued Nurse Midwife
4 Furnishing Certification No. 403 to Respondent. The Nurse Midwife Furnishing Certification
5 was in full force and effect at all times relevant to the charges brought herein and will expire on
6 September 30, 2009, unless renewed.

7 **JURISDICTION**

8 5. This Accusation is brought before the Board, Department of Consumer Affairs, under
9 the authority of the following laws. All section references are to the Business and Professions
10 Code unless otherwise indicated.

11 **STATUTORY PROVISIONS**

12 6. Section 118, subdivision (b), provides that the suspension, expiration, surrender or
13 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
14 action during the period within which the license may be renewed, restored, reissued or
15 reinstated.

16 7. Section 2750 provides, in pertinent part, that the Board may discipline any licensee,
17 including a licensee holding a temporary or an inactive license, for any reason provided in
18 Article 3 (commencing with section 2750) of the Nursing Practice Act.

19 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not
20 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
21 to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
22 Board may renew an expired license at any time within eight years after the expiration.

23 9. Section 2761 states, in pertinent part:

24 "The board may take disciplinary action against a certified or licensed nurse or deny an
25 application for a certificate or license for any of the following:

26 "(a) Unprofessional conduct, . . .

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“(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it. . . .”

10. Section 2762 states, in pertinent part:

“In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

“(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

“(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

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“(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any hospital, patient, or other record pertaining to the substances described in subdivision (a) of this section.”

COST RECOVERY

11. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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1 had forged the above-referenced Vicodin prescription when Board investigators subsequently
2 questioned her about this.

3 17. From on or about October 4, 2004 through January 31, 2005, Respondent was
4 employed as the Director of Nursing for Nikolas Chugay, D.O., at Cosmetic Surgery Medical
5 Center, located at 4210 Atlantic Avenue in Long Beach, California.

6 18. From on or about January 3, 2005 through September 20, 2005, Respondent was a
7 patient of Vaughn Nixon, M.D. in Long Beach, California. On or about July 14, 2005, Dr. Nixon
8 issued a prescription for Vicodin, quantity 20, with one refill for Respondent. Respondent altered
9 the prescription by adding the letters "ES" to the medication identified in the prescription
10 (Vicodin) in order to fraudulently obtain the extra strength form of the drug. When Rite Aid
11 pharmacy called Dr. Nixon to verify the prescription, it was confirmed that the prescription had
12 been altered and as a result thereof, the prescription was not filled by the pharmacy.

13 19. Pursuant to an investigation by the Board, Board investigators identified three (3)
14 pharmacies in Long Beach, California located within a few miles of Respondent's home:
15 Rite Aid, Sav-On Drugs, and Walgreens (the pharmacies). Respondent presented 22 fraudulent
16 prescriptions for herself to the pharmacies: Eight (8) to Rite Aid, seven (7) to Sav-On and
17 seven (7) to Walgreens. Respondent admitted that she wrote and presented the 22 fraudulent
18 prescriptions to the pharmacies. The details of the fraudulent prescriptions that were prepared
19 and presented by Respondent are as follows:

20 **FORGED PRESCRIPTIONS NOT FILLED**

Date	Issuer	Rx	Qty	Refills	Signature	Pharmacy	Ttl
							Q
9/23/2004	South Coast Women's Health Care	Vicodin	40	1	Lorri Walker	Target	80
7/5/2005	Nikolas Chugay, OD	Ambien 10 mg	20	2	Telephone	Rite Aid	60
7/5/2005	Nikolas Chugay, OD	Vicodin ES	30	2	Telephone	Rite Aid	90
7/14/2005	Vaughn Nixon, M.D.	Vicodin ES	20	0	V. Nixon	Sav-On	20

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FORGED PRESCRIPTIONS FILLED

Date	Issuer	Rx	Qty	Refills	Signature	Pharmacy	Ttl Q
8/6/2004	South Coast Women's Health Care	Vicodin ES	30	1	Lorri Walker	Rite Aid	60
8/20/2004	South Coast Women's Health Care	Ambien 10mg	20	1	Lorri Walker	Sav-On	40
8/20/2004	South Coast Women's Health Care	Vicodin ES	40	1	Lorri Walker	Sav-On	80
8/31/2004	South Coast Women's Health Care	Vicodin ES	40	1	Lorri Walker	Rite Aid	80
9/11/2004	South Coast Women's Health Care	Vicodin ES	40	1	Lorri Walker	Walgreens	80
12/13/2004	Nikolas Chugay, OD	Ambien 10mg	30	2	Telephone	Walgreens	90
3/22/2005	Nikolas Chugay, OD	Vicodin (VESC)	30	0	Telephone	Sav-On	30
4/14/2005	Nikolas Chugay, OD	Ambien 10mg	20	2	Telephone	Rite Aid	60
4/14/2005	Nikolas Chugay, OD	Vicodin ES	30	2	Telephone	Rite Aid	90
4/22/2005	Nikolas Chugay, OD	Ambien 10mg	30	0	Telephone	Walgreens	30
4/22/2005	Nikolas Chugay, OD	Vicodin ES	30	1	Telephone	Walgreens	60
5/23/2005	Nikolas Chugay, OD	Acyclovir 200	50	2	Telephone	Rite Aid	150
5/23/2005	Nikolas Chugay, OD	Vicodin ES	30	2	Telephone	Rite Aid	90
6/2/2005	Nikolas Chugay, OD	Macrobid 100	14	0	Telephone	Sav-On	14
6/2/2005	Nikolas Chugay, OD	Vicodin (VESC)	30	1	Telephone	Sav-On	60
6/13/2005	Nikolas Chugay, OD	Ambien 10mg	30	2	Telephone	Walgreens	90
6/13/2005	Nikolas Chugay, OD	Vicodin ES	30	2	Telephone	Walgreens	90
6/28/2005	Nikolas Chugay, OD	Vicodin (VESC)	30	0	Telephone	Sav-On	30
7/8/2005	Nikolas Chugay, OD	Vicodin ES	30	2	Telephone	Walgreens	90

20. On or about September 23, 2004, July 5, 2005 and July 14, 2005, Respondent presented four (4) fraudulent prescriptions to Target, Rite Aid and Sav-On pharmacies (the pharmacies) for a total of 190 tablets of Vicodin and 60 tablets of Ambien, 10mg. Respondent's fraudulent prescriptions were discovered and the prescriptions were not filled.

21. From on or about August 6, 2004 through July 8, 2005, Respondent presented 19 fraudulent prescriptions to the pharmacies for a total of 150 tablets of Acyclovir 100, 310 tablets of Ambien 10mg, 14 tablets of Macrobid and 840 tablets of Vicodin, all controlled substances and dangerous drugs. The pharmacies filled the fraudulent prescriptions and thus, Respondent fraudulently obtained for her own personal use a total of 150 tablets of Acyclovir 100, 310 tablets of Ambien 10mg, 14 tablets of Macrobid and 840 tablets of Vicodin.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violation of Nursing Practice Act)**

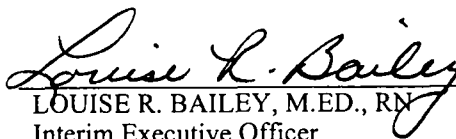
3 25. Respondent is subject to disciplinary action under section 2761, subdivision (d), in
4 that Respondent violated various provisions under the Nursing Practice Act. Complainant refers
5 to and by this reference incorporates the allegations set forth above in paragraphs 16 - 24,
6 inclusive, as though set forth fully.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board issue a decision:

- 10 1. Revoking or suspending Registered Nurse License No. 366561, issued to Respondent;
11 2. Revoking or suspending Nurse Midwife Advanced Certification No. 403, issued to
12 Respondent;
13 3. Revoking or suspending Nurse Midwife Furnishing Certification No. 403, issued to
14 Respondent;
15 4. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
16 the investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3; and
18 5. Taking such other and further action as deemed necessary and proper.
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20 DATED: 9/24/09


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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